

Message Text

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PAGE 01 BERN 01109 091803Z

ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 USIA-06

TRSE-00 SOE-02 DOE-11 CIAE-00 COME-00 ACDA-12

OES-07 /059 W

-----037054 101020Z /21

R 091230Z MAR 78

FM AMEMBASSY BERN

TO SECSTATE WASHDC 5898

C O N F I D E N T I A L BERN 1109

EO 11652: GDS

TAGS: ESTC, SZ

SUBJ: STUDY OF EXPORT CONTROLS ON PRODUCTS AND TECHNOLOGY

REF: STATE 39145

1. EMBOFF DISCUSSED QUESTIONS REFTEL WITH DIV OF COMMERCE, NORTH AMERICAN DESK OFFICER, MR MAX KRELL, MARCH 6. KRELL OPENED BY NOTING HE HAD GONE OVER MATTER "THOROUGHLY" WITH MR WILLIAM A ROOT (DIR, EAST-EST TRADE) ON FEB 17 IN WASHINGTON. ROOT HAD TOLD KRELL THAT REFTEL HAD BEEN TRANSMITTED AND HE WOULD BE CONTACTED ON IT.

2. EMBOFF PASSED KRELL COPY OF 8 QUESTIONS, WHICH KRELL USED AS TALKING POINTS ALONG WITH PHOTOCOPY HE HAD RECEIVED IN WASHINGTON OR REPORTING REQUIREMENTS IN EXPORT ADMINISTRATION ACT. KRELL SAID SWISS GOVT MOST RELUCTANT HAVE SWISS PRACTICE AND ITS "GENTLEMEN'S AGREEMENT" WITH US AIRED IN PUBLIC IN ANY WAY.

3. FOLLOWING ARE HIS REPLIES:

QTE 1) SWITZERLAND HAS AN AUTONOMOUS SYSTEM

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PAGE 02 BERN 01109 091803Z

FOR CONTROLLING IMPORTS, EXPORTS, AND RE-EXPORTS. THE FEDERAL LAW, PROMULGATED DEC 17, 1956, "ORDER ON CONTROL OF EXPORTS", AND FEDERAL COUNCIL DECREE NO 2, JAN 30, 1951, "CONTROL OF IMPORTS", PROVIDE THE LEGAL BASIS FOR ESTABLISHING THE BUREAUCRACY CONTROLLING EXPORTS, INCLUDING STRATEGIC GOODS.

2) DIV OF COMMERCE, FEDERAL DEPT OF PUBLIC
ECONOMY.

E) YES; DIV OF COMMERCE HAS ITS OWN LEGAL
STAFF THAT INVESTIGATES IN FIRST INSTANCE.
INVESTIGATIONS ARE COORDINATED WITH POLICE ARM OF
CUSTOMS SERVICE.

4) CURRENT COCOM LIST. (EMBASSY COMMENT:
KRELL BELIEVES ANY PUBLICITY ON THIS WOULD COMPLICATE
IF NOT COMPROMISE SWISS ABILITY CONTINUE COOPERATE
AS FULLY WITH US AS IT HAS.)

5) SWISS GOVT HAS NO OPINION ON THIS SINCE
AS NEUTRAL COUNTRY, IT CANNOT PUBLICLY ACKNOWLEDGE
FOLLOWING COCOM LIST.

6) YES; ALL FOREIGN FIRMS IN SWITZERLAND
MUST FOLLOW SWISS LAW.

7) SWITZERLAND HAS NO CONTROLS OVER EXPORT
OF TECHNOLOGY. (EMBASSY COMMENT: KRELL NOTED HE
HAD DISCUSSED THIS AT LENGTH WITH ROOT.)

8) COMMUNIST EAST EUROPEAN COUNTRIES AND
PRC. UNQTE
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PAGE 03 BERN 01109 091803Z

WARNER

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NNN

Message Attributes

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Decaption Date: 01 jan 1960
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Disposition Approved on Date:
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